

IN THE UNITED STATES FEDERAL DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

LAURASENA GARLAND
Defendants.

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CR. NO. 2:07-cr-103-MEF
(WO)

LAURASENA GARLAND'S JURY CHARGES

COMES, James R. Cooper, Jr. Who represents Ms. Garland, and requests that the following Jury Charges be given to the Jury in this case.

RESPECTFULLY SUBMITTED,

s/James R. Cooper, Jr. (COO021)
COOPER & COOPER
Attorney for Defendant
312 Scott Street
Montgomery, AL 36104
(334) 262-4887

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of July, 2008, I have served a copy of the foregoing **JURY CHARGES** upon Mr. Jerusha Adams , Asst. U.S. Attorney, P.O. Box 197, Montgomery, Alabama 36101 by electronic case filing.

s/James R. Cooper, Jr. (COO021)

cc:
Laurasena Garland
178 E. Fairview Ave
Montgomery, Al 36105

LAURASENA GARLAND REQUESTED JURY CHARGE

1

The indictment is not evidence in this case. It is merely the device used to bring a charge against the defendant. The mere fact of an indictment does not mean anything.

LAURASENA GARLAND REQUESTED JURY CHARGE

2

The defendant is presumed innocent. That presumption is as real a piece of evidence as anything the may come from the witness stand. The presumption of innocence follows the defendant into the jury deliberation room with you all.

LAURASENA GARLAND REQUESTED JURY CHARGE

3

The burden of proof in this case is on the United States of America to proof each and every single element of all charges beyond a reasonable doubt.

LAURASENA GARLAND REQUESTED JURY CHARGE

4

The burden of proof in a criminal case is much higher than the burden of proof in a civil case.

LAURASENA GARLAND REQUESTED JURY CHARGE

5

If the United States fails to prove just one element of an offense charged against the defendant, then they have failed to prove that charge beyond a reasonable doubt. In that case, you must return a not guilty verdict on that charge.

LAURASENA GARLAND REQUESTED JURY CHARGE

6

The verdict not guilty is not the same as finding one innocent. One may be found not guilty which does not mean the same as innocent.

LAURASENA GARLAND REQUESTED JURY CHARGE

7

Ms. Garland does not have to prove that she is not guilty. The Government has the total burden of proof in this case. It must prove each and every element of the alleged crime beyond a reasonable doubt.

LAURASENA GARLAND REQUESTED JURY CHARGE

8

It is the theory of the defense in this case that although the Defendant may have committed the acts charged in the indictment, the Defendant did not do so voluntarily but only because of force or coercion in the form of intimidation and threats of bodily harm to the Defendant [or to the Defendant's family].

In order to excuse an act that would otherwise be criminal, however, the intimidation or coercion must be present and immediate, and must be of such a nature that it induces a reasonable and well-founded fear of death or serious bodily injury to one's self or someone else; and there must be no reasonable opportunity to escape the coercion without participating in the crime.

If the evidence in the case leaves you with a reasonable doubt that the Defendant acted willfully as charged, then it is your duty to find the Defendant not guilty.

LAURASENA GARLAND REQUESTED JURY CHARGE

9

You shall find the defendant NOT GUILTY on all charges.

LAURASENA GARLAND REQUESTED JURY CHARGE

10

Ms. Garland is charged with the violation of the following statute:

18 USC § 1001. Statements or entries generally

1. PART I - CRIMES

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to -

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

LAURASENA GARLAND REQUESTED JURY CHARGE

10

In order to be a violation of the statute charged in this indictment **18 USC § 1001**, the statement made or given by Ms. Garland must be material in that it must have the capacity to affect or influence a governmental function.

18 USC § 1001 has a materiality component to exclude trivial or inconsequential falsehoods from being chargeable offenses under the statute.

LAURASENA GARLAND REQUESTED JURY CHARGE

11

Willfully

The word "willfully," as that term is used in the indictment or in these instructions, means that the act was committed voluntarily and purposely, with the specific intent to do something the law forbids; that is with bad purpose either to disobey or disregard the law.

LAURASENA GARLAND REQUESTED JURY CHARGE

12

MATERIAL

LAURASENA GARLAND REQUESTED JURY CHARGE

13

The defendant does not have to testify. The defendant may choose to testify or not.

Regardless of whether or not the defendant testifies, you the jury shall not place any emphasis one way or the other if the defendant chooses to not testify.

LAURASENA GARLAND REQUESTED JURY CHARGE

14

The word "knowingly," as that term is used in the indictment or in these instructions, means that the act was committed voluntarily and purposely, with the specific intent to do something the law forbids; that is with bad purpose either to disobey or disregard the law.